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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,441	11/09/2001	Akira Yamamori	FUJS19.137	4633
7590 04/10/2006 Rosenman & Colin LLP 575 Madison Avenue New York, NY 10022-2585			EXAMINER BLOUNT, STEVEN	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,441

Applicant(s)

YAMAMORI ET AL.

Examiner

Steven Blount

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3, 8, and 9 - 10 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,742,600 to Nishihara.

With regard to claim 1, Nishihara teaches receiving means s101, path extraction means101 (col 5 lines 2+), writing ranking adding means (see col 5 lines 52+) and storage means102. The examiner notes that although it is not explicitly stated, it would have been obvious to one of ordinary skill in the art at the time of the invention to have made the "memory area larger than the size of the variable length message" in order to be able to accommodate the said message.

With regard to claim 3, the information is added to the cells in order of receiving the data.

With regard to claim 8, see see col 5, lines 3+.

With regard to claim 9, AAL5 is an obvious variation of AAL1 for purposes of this invention.

With regard to claim 10, see the rejection of claim 1 above.

4. Claims 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application 20020101871 to Takase et al in view of U.S. patent 6,711,168 to Yoshizawa et al.

With regard to claim 11, Takase et al teaches reading cells out of memory, comprised of a *memory* for storing cells (see par 198, second to last sentence), wherein information is stored such that new data concerning the VCI may be written into the cell. See paragraph 199. Takase et al also teaches the use of an error *flag* for use when bad

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data is detected, and this determines if the cell is processed or not. See par 273 and 280 and par 283 and par 282, last sentence. See also the use of a "message" in col 272 (the MID). Although Takase et al does, apparently, teach the use of "sequence numbers" for determining output sequence (see par 276), Takase does not utilize "writing ranks", as defined by applicant, to determine the sequence in which the cells are output.

Yoshizaw teaches the use of "writing ranks" for ordering input storage, wherein it is implicit that this ordering would be useful upon data output (ie, this is why they are added to the cells).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Takase et al with "writing ranks" in light of the teachings of Yoshizawa et al in order to provide a means for efficiently ordering the cells upon their departure in a manner that does not require overhead information.

With regard to claim 12, see col 1, lines 35 – 50 of Nishihara (adaptation layer, and segmentation/assembly).

With regard to claim 13, although AAL5 is not explicitly mentioned, one of ordinary skill in the art would find this layer such that delay tolerant traffic may be transmitted.

With regard to claim 14, each of the method steps are discussed in relation to the operation of the apparatus as explained in the rejection of claim 11 above.

5. Claims 2, and 4 – 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to include the limitations of the base claim and


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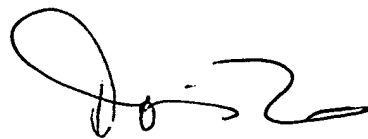
any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571-272-7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB

4/3/06


DORIS H. TO
SUPERVISORY PATENT EXAMINER
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